

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CR-38
)	(VARLAN/SHIRLEY)
LISA LOCKRIDGE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on Defendant Lisa Lockridge's Motion to Continue [Doc. 34] and Motion for Extension of Time to File Pretrial Motions. [Doc. 35] On August 13, 2009, the parties appeared before the Court for a hearing on the instant motions. Assistant United States Attorney David Lewen appeared on behalf of the government, and Attorney Mike Whalen appeared on behalf of the defendant. The defendant was not present.

The defendant moves the Court to continue the trial in this matter, currently scheduled for August 25, 2009, and also moves the Court to extend the motion deadline. As grounds, the defendant states that this case involves three defendants,¹ and that Defendant Lockridge was brought into the case several months after her co-defendants and after the deadlines and trial date had been

¹The Court notes that one of the two co-defendants, Charles Ward, has entered a guilty plea in this matter and is awaiting sentencing. [Doc. 31] In addition, during the hearing, the Court was advised by counsel for the government that co-defendant Lucretia Buchanan is scheduled to enter a plea of guilty on August 17, 2009.

set. Additionally, defense counsel argues that Defendant Lockridge resides in a group home in Nashville and that the distance between the defendant and defense counsel has hampered counsel's ability to investigate this matter and communicate with his client. Finally, defense counsel advised the Court that additional time would be needed for counsel to review discovery with the defendant. At the hearing, the government indicated that it does not oppose the instant motions.

For good cause shown, the Court finds that the ends of justice served by a continuance outweigh the interest of the defendant and the public in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). Specifically, the Court finds that failure to grant a continuance under these circumstances would deny the defendant the reasonable time necessary for effective preparation for trial, resulting in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i),(iv). The Court finds that additional time is needed to allow the defendant to review the evidence in this matter and for the parties to prepare for trial. The Court finds that this could not take place before the August 25, 2009 trial date, or in less than approximately two months.

Therefore, the defendant's Motion to Continue [**Doc. 34**] is hereby **GRANTED**, and the trial in this matter is hereby **CONTINUED** to **October 20, 2009**. The Court further finds, and the parties agreed, that all time between the August 10, 2009 filing of the instant motion and the new trial date of October 20, 2009, is fully excludable time under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(D), -(7)(A)-(B)(i),(iv). In an abundance of caution, the Court also notes that the excludable time attributable to Defendant Lockridge is also attributable to her co-defendants. 18 U.S.C. § 3161(h)(6); United States v. Gardner, 488 F.3d 700, 717 (6th Cir. 2007).

The Court also finds that the defendant's Motion for Extension of Time to File Pretrial Motions [**Doc. 35**] is well taken, and the same is hereby **GRANTED**. The motion deadline as to

Defendant Lockridge is extended to **September 15, 2009**, with the government's responses due on or before **September 29, 2009**. The plea cut-off as to Defendant Lockridge is extended to **October 8, 2009**. A final pretrial conference is scheduled for **October 8, 2009, at 9:30 a.m.**

In summary, it is **ORDERED** that:

- (1) Defendant Lockridge's Motion to Continue [Doc. 34] and Motion for Extension of Time to File Pretrial Motions [Doc. 35] are **GRANTED**;
- (2) The trial of this matter is reset to commence on **October 20, 2009, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the August 10, 2009 filing of the motion to continue and the new trial date of October 20, 2009, is fully excludable time under the Speedy Trial Act for the reasons set forth above; and
- (4) The motion deadline is extended to **September 15, 2009**, with any responses due on or before **September 29, 2009**. The plea cut-off deadline is reset to **October 8, 2009**, and the final pretrial conference is reset for **October 8, 2009, at 9:30 a.m.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge